

# **Understanding Our Implicit Bias**

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Utah Prosecution Council  
September 24, 2020

**How much information can we  
process in a single second?**

# The Surgeon's Dilemma

A father and his son are in a car accident. The father dies at the scene and the son, badly injured, is rushed to the hospital.

In the operating room, the surgeon looks at the boy and says, "I can't operate on this boy. He is my son."

**HOW CAN THIS BE?**

# The Surgeon's Dilemma

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# Systems of Thinking

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## System 1

- Passive experiences
- Impressions
- Intuitive
- Fast, effortless
- Skill (i.e. driving)
- Automatic

17x24

## System 2

- Effortful
- Deliberative
- Reasoning
- Controlled
- Slow

Do our **values** drive  
our **decision making**?

# What is Implicit Bias?

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“...We are being driven to act in certain ways not because we are explicitly prejudiced, but because we may carry in our heads the ***thumbprint of the culture.***”

- Dr. Mahzarin R. Banaji

# Cognitive Associations

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We associaete words and letters  
together and still read just as  
easily even when mispelled.  
This is your automatic brain at  
work.



# What is Implicit Bias?

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Implicit bias refers to the **attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner**. These biases, which encompass both favorable and unfavorable assessments, are **activated involuntarily and without an individual's awareness or intentional control**. These biases are different from known biases that individuals may choose to conceal for the purposes of social and/or political correctness.

# IAT: Implicit Association Test



[implicit.harvard.edu/implicit/selectatest.html](https://implicit.harvard.edu/implicit/selectatest.html)

**Which test(s) did you take?**

**What did you learn?**

**Was it surprising to you?**

**Did any of your associations trouble you?**

# Interesting to note...

Implicit preference for one group over another is not necessarily a simple ingroup preference.

For Example:

- About 1/3 of Black participants show an implicit preference for White people relative to Black people.
- 75% of men show a male-career bias. 80% of women show the same bias.

# Brown v. Board of Education

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Collection of the Smithsonian National Museum of African American History and Culture



Gordon Parks, *Untitled, Harlem, New York*, 1947

# Attitudes and Stereotypes

**Attitudes:** like or dislike, good or bad

**Stereotypes:**

- “Old people are forgetful”
- “Asians are good at math”
- “Boston drivers are aggressive”
- “Women are nurturing”

Almost any stereotype is true in some way.  
Any stereotype is at least partly false, too.

# Attitudes and Stereotypes

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**“The American lottery winner remains anonymous.”**

- Form a mental image of this anonymous American lottery winner.
- Visualize that person in the process of making a phone call to claim the winnings.



# What's in a name?

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# What's in a name?

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## Remembering Legal Facts - William and Tyronne

Overall Recall Accuracy for Aggression:

- Tyronne: 80.2%
- William: 32.2%

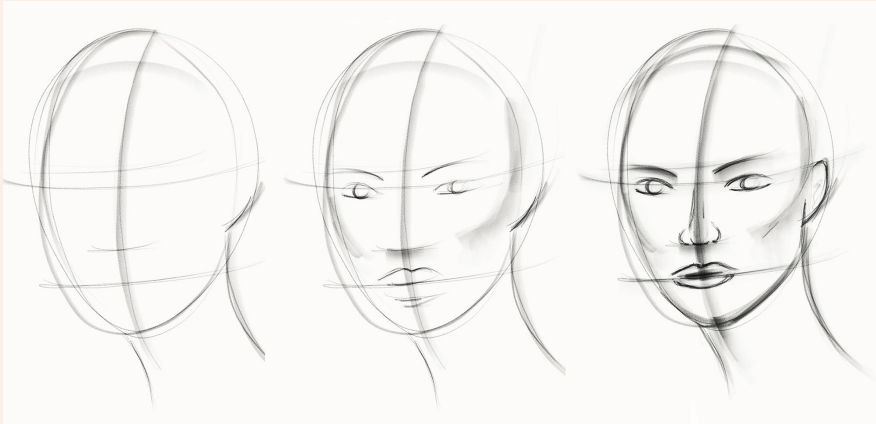
*Example:* "When they saw him outside a diner, [William/Tyronne] and his friend approached James."

- 92% of participants who read about Tyronne correctly recalled this action
- 77% who read about William correctly recalled the action

# How well can you read a face?

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You'll see pictures of two people. As *quickly as you can*, select the person you think looks **more competent** (efficient, capable, talented).



<https://rb.gy/2uy82x>

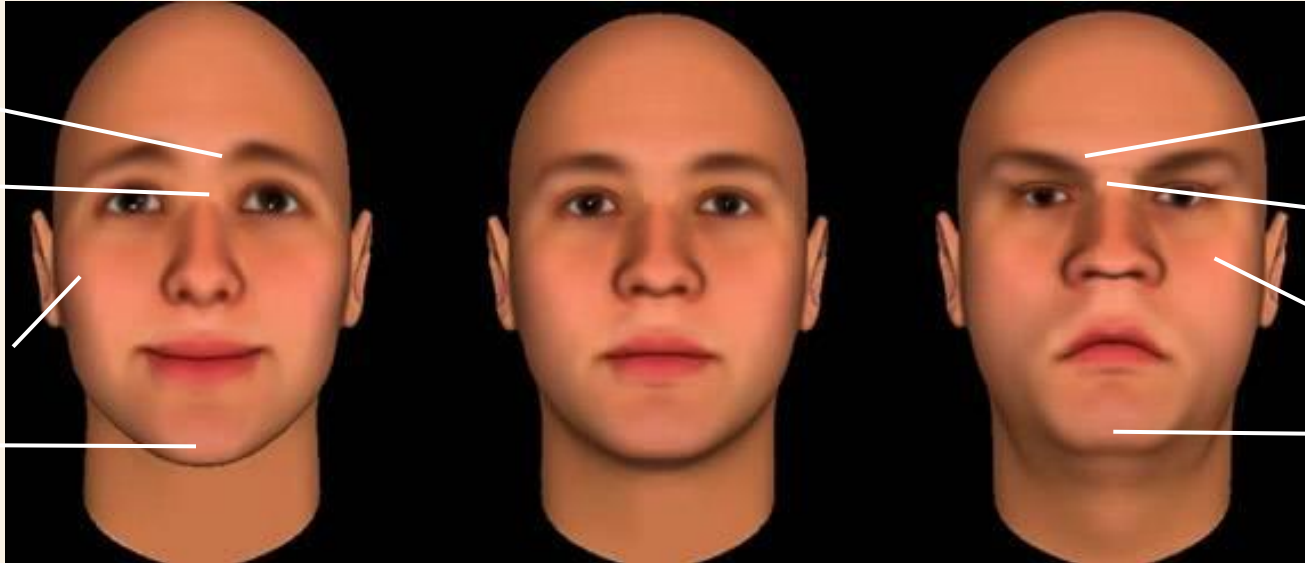
# Trustworthiness

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**Features of a Trustworthy Face**

**Neutral Face**

**Features of an Untrustworthy Face**

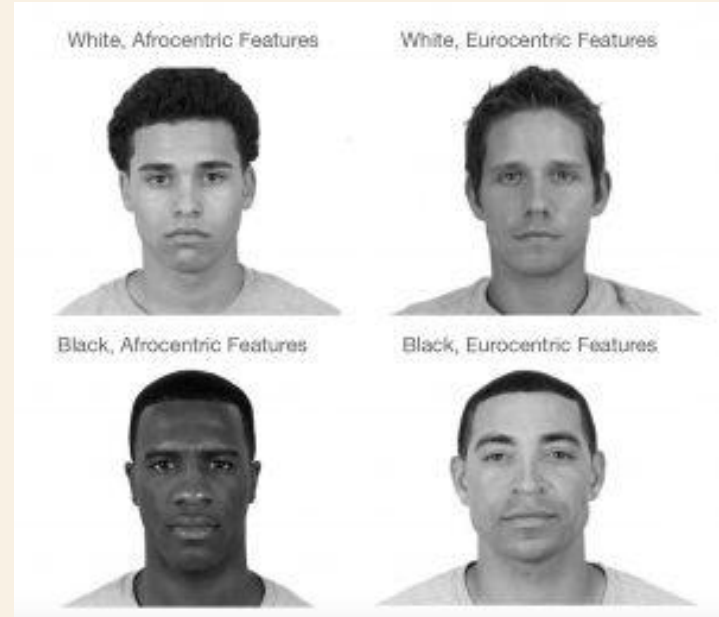


Todorov, A., Baron, S. G., & Oosterhof, N. N. (2008). Evaluating face trustworthiness: a model based approach. *Social cognitive and affective neuroscience*, 3(2), 119–127. <https://doi.org/10.1093/scan/nsn009>

# Facial Features and Sentencing

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- People with afrocentric features had, on average, 8 additional months on their sentences, even after controlling for crime severity, criminal history and attractiveness.
- White inmates with more afrocentric features received more severe treatment.



*"Even when judges are race-fair, Afrocentric features bias sentencing for Black and White inmates."* Retrieved from: [outsmartinghumanminds.org](http://outsmartinghumanminds.org)

# Other Biases



**Gender Bias:** Chief of police experiment

**Sexual Orientation Bias:** LGBT youth are likely to be punished more harshly than heterosexual youth in sexual activity cases.

**Disability Bias:** IAT results show more implicit bias than against race, gender or sexual orientation. Even among test takers with disabilities, there was a preference for able-bodied people. Older test takers also showed a stronger preference than younger people for able-bodied people.

Uhlmann & Cohen (2005). Constructed criteria: Redefining merit to justify discrimination. *Psychological Science*, 16(6), 474-480.

Jessica M. Salerno et al., Give the kid a break - but only if he's straight: retributive motives drive biases against gay youth in ambiguous punishment contexts (Nov. 2014).

# SO WHAT?

What can we do to reduce implicit bias?

# **A University president and former prosecutor's theory:**

It's all about learning and learning is all based on emotion.

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# Learning and Emotions

“It is literally neurobiologically impossible to build memories, engage complex thoughts, or make meaningful decisions without emotion.”

“Emotions...are action programs that have evolved as extensions of survival mechanisms.”

- Dr. Mary Helen Immordino-Yang



# Develop Emotions

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1. Learning Communities
2. Study Abroad/Diversity
3. Wander
4. Prove yourself wrong about something and acknowledge it



# Understanding Stereotypes

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# Establish Processes

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1. Evaluate Decision Points
2. Use and Rely on your System 2 Brain
3. Focus on Relevant Information
4. Use Objective Criteria
5. Frequent Self Assessments



**How would a prosecutor screen a  
case of implicit bias?**



**Law is democracy's  
chosen profession.**

**Prosecutors are  
society's teachers.**

“...to ensure the administration of justice reflects the **highest ethical and professional standards.**” - *Mission of Utah Prosecution Council*

“A prosecutor has the responsibility of a **minister of justice** and not simply that of an advocate.” - *ABA Model Rules of Professional Conduct*

“...I will discharge the duties of attorney and counselor at law...with **honesty, fidelity, professionalism, and civility.**” - *Utah Attorney's Oath*

**THANK YOU**